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APPLICATION NO.	I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/761,780		01/18/2001	Ichiro Hashimoto	1614.1112	5963	
21171	7590	06/16/2005		EXAMINER		
STAAS & HALSEY LLP SUITE 700				JASMIN, LYNDA C		
1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				ART UNIT	PAPER NUMBER	
				3627		
				DATE MAILED: 06/16/200:	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	_				
		09/761,780	HASHIMOTO ET AL.					
	Office Action Summary	Examiner	Art Unit	_				
		Lynda Jasmin	3627					
Period fo	The MAILING DATE of this communication or Reply	appears on the cover sheet v	vith the correspondence address					
A SH THE - Exter after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REMAILING DATE OF THIS COMMUNICATIOnsions of time may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by streply received by the Office later than three months after the need patent term adjustment. See 37 CFR 1.704(b).	ON. R 1.136(a). In no event, however, may a n. a reply within the statutory minimum of the rirod will apply and will expire SIX (6) MO tatute, cause the application to become A	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).					
Status								
1)[🛛	Responsive to communication(s) filed on 1	<u>4 March 2005</u> .						
2a)□	This action is FINAL . 2b)⊠ .	This action is non-final.						
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
5)□ 6)⊠ 7)□	Claim(s) 1-3,5-7,9,14,15 and 18 is/are pen 4a) Of the above claim(s) is/are with Claim(s) is/are allowed. Claim(s) 1-3,5-7,9,14,15 and 18 is/are rejectaim(s) is/are objected to. Claim(s) are subject to restriction are	drawn from consideration.						
Applicati	ion Papers							
9)[The specification is objected to by the Exan	niner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
	Applicant may not request that any objection to	the drawing(s) be held in abeya	ince. See 37 CFR 1.85(a).					
11)	Replacement drawing sheet(s) including the color The oath or declaration is objected to by the	· ·						
Priority (under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
Attachmen		,	O					
2) Notic 3) Inforr	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB r No(s)/Mail Date) Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152) 					

Art Unit: 3627

DETAILED ACTION

1. Amendment received March 14, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 3, 5, 9 and 13-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (6,748,426 B1), in view of Greenstone (2001/0047303 A1).

Shaffer discloses a network-based server device embodied in a computerreadable recording medium containing a program for managing product inventory

Art Unit: 3627

information on an individual-store basis including: a receiving unit (via merchant server) receiving requests for product information from a customer via a respective client device (consumer computer 14); and a processing unit (via information system 25) identifying inventory information of near stores having an address which is in proximity to an address designated by the customer (via calculating the store location that is closest to the client; col. 6, lines 22-26), and transmitting, to the client device in response to the request for product information, the identified product inventory information on an individual-store basis corresponding to the respective near stores selected on the basis of customer identification information received from the respective client device, and sorting the transmitted product inventory information by store in order of proximity to the address designated by the customer (col. 11, lines 22-32).

Further the transmitted product inventory information comprises access information for accessing individual stores (via valuable information items that vary by store and is only available at individual store level), hours of operation information for individual stores (via service and delivery time that vary by store), and the processing unit.

However, Shaffer et al. fails to explicitly disclose that each store's proximity to the designated address is determined by the processing unit by first checking for an exact zip code match between the respective plurality of stores and the designated address, second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and third checking for stores having a zip code

Art Unit: 3627

within a range of the first n digits of the designated address zip code if there was not the exact zip code match and the first n digits of the zip codes did not match.

Greenstone discloses the concept of upon receiving the customer inquiry; a comparison search is undertaken in the database to identify the tire source closest to the customer's geographic location or required point of delivery. If the inventory of the tire source closest to the customer's location includes the product or products requested by the customer, the customer transmits through the electronic interface a purchase order and payment that is received at the central processing station. However, if the inventory of the tire source closest to the customer's geographic location does not include a product requested by the customer, an additional search of the database is initiated to identify the tire source that is next closest in distance to the customer's location. Thereafter, a search is executed of the inventory of the next closest tire source to locate the customer's product(s). Preferably, the search of tire sources and inventory will continue until each tire source closest to the customer's location that also has the customer's requested product in inventory is identified.

From this teaching of Greenstone, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information system of Shaffer et al. to include the exact location of the store to the customer as taught by Greenstone in order to decrease customer's shipping cost and delivery time.

Art Unit: 3627

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Shaffer and Greenstone combination, as applied to claim 1 above, and further in view of ServiceMerchandise.com (Business Wire Nov. 29, 1999).

The Shaffer and Greenstone combination discloses the elements of the claimed invention, but fails to explicitly disclose adding identifying marks to the transmitting product inventory information and allowing the customer to place a hold on an item.

ServiceMechandise.com discloses the concept of providing online customer with the ability to see whether an item is in stock at local stores and reserve the item for pick-up. From this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the linking information of the Shaffer and Greenstone combination to include the holding or reserving of items based on store locator in order to facilitate an ease customer pick-up.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 9 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Increased Flex.

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner l Art Unit 3627